

E N D O R S E M E N T

HENRY J. GRAVES HRG ASSOCIATED ALLIANCE REAL ESTATE SCHOOLS, INC.
v. DARYL D. MALDEN LAW OFFICE, LLP; DEVINE BARROWS DEVINE, LLP;
THE MORTGAGE COMPANY, INC.; DENISE ALLEN
04-CV-10634-MEL

LASKER, D.J.

Plaintiff Henry J. Graves ("Graves") moves to set aside judgment. For the reasons stated below, the motion is DENIED.

Fed. R. Civ. P. 60 governs motions to set aside judgment, which can be granted for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether heretofore denominated intrinsic or extrinsic), misrepresentation, or other misconduct of an adverse party; (4) the judgment is void;
- (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that the judgment should have prospective application; or (6) any other reason justifying relief from the operation of the judgment.

Fed. R. Civ. P. 60(b). In his papers, Graves makes no reference to Rule 60, nor does he offer any reason why the judgment should be set aside. The Court's prior Orders dismissing the case and denying the plaintiff's motion to vacate therefore stand, and the motion to set aside judgment is DENIED.

It is so ordered.

Dated: January 25, 2005
Boston, Massachusetts

/s/ Morris E. Lasker
U.S.D.J.